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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/551,851
Filing Date: November 14, 2005
Appellant(s): ROCK ET AL.

Mark P. Weichselbaum
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/5/2009 appealing from the Office action mailed 1/28/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6920505	Hals et al	07-2005
7194683	Hind et al	3-2007
6966029	Ahern	11-2005

20020165993

Kramer

11-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 24-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hals et al hereinafter Hals (US 6,920,505) in view of Ahern (US 6,966,029) and further view of Hind et al hereinafter Hind (US 7,194,683).

1. Referring to Claims 22 and 37, Hal discloses a method for reducing the latency time for interactive data communication between a server computer and a client computer via a telecommunication network, in particular via a satellite network comprising: a geostationary satellite (the system utilizes satellite link in order to determine the necessary information, refer to Col 5, Lines 60-65 and Col 7, Lines 35-46), wherein a data processing application, in particular a database application, run on the server and generates screen displays of an interactive user application with several data fields that are processed one after the other in a processing sequence in line with predetermined parameters based on commands and data entered (the server has a database application/search engine that has several data fields, refer to Col 8, Lines 15-22. Visitor/user enters the comment/search term, and the search engine will

process everything accordingly, refer to Col 8, Lines 30-50) via an input medium (keyboard, refer to Col 14, Lines 6) connected to the client computer and are then transferred to the client computer in the form of data packets (refer to Col 7, Lines 50-60) and display by this client computer on a display medium, whereby on the display medium a command prompt signalizes that additional data is to be entered in a corresponding data field via the input medium (refer to Col 7, Lines 50-60), and then transmitted in the form of additional data packets via the telecommunication network to the server computer, wherein the parameters for the processing sequence of the data field are transferred via the telecommunication network to the client computer (refer to Col 7, Lines 20-60 and), and an independent program routine runs on the client computer which alters the screen display independently in such a way when entering specified commands via the input medium based on the parameters for the processing sequence (once the user enter the search parameter in the web page, and press "sent", once the server receive the request, server then sent the requesting data/new web page back to the user, refer to Col 13, Lines 23-45); wherein the server computer is operated using a window-based operating system, whereby the screen displays transmitted to the client computer are generated on the server computer using a window program routine of the operating system on the server computer based on window and object parameters prior to being sent to the client computer (Hals indicates the uses of Microsoft Internet Explore, which is inherent the use of window-based operating system, refer to Col 17, Lines 1-25), and wherein the window and object parameters include X and Y coordinates of object being displayed (map including the x and y coordinate information, refer to Col 7, Lines 23-60).

Although Hals disclosed the invention substantially as claimed, Hals is silent regarding “the input prompt within the data field is moved to the next or previous data field in line with the processing sequence”

Ahern, in an analogous art disclosed, “the input prompt within the data field is moved to the next or previous data field in line with the processing sequence.” (refer to Col 3, Lines 14-30)

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

Although Hals and Ahern disclosed the invention substantially as claimed, Hals and Ahern are silent regarding “receive data without acknowledgement of receipt”

Hind, in an analogous art disclosed, “receive data without acknowledgement of receipt” (refer to Col 5, Lines 50-60)

Hence, providing features disclosed by Hind, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals and Ahern by including the features that improve the web document presentation and provide easier approach to edit data content.

2. Referring to Claim 24, Hals discloses a method according to claim 23, wherein the independent program routine receives the parameters for the processing sequence of the data fields by accessing the window program routine of the operating system on the server computer (screr is also a window based operating system, refer to Col 17, Lines 1-25).

3. Referring to Claim 25, although Hals disclosed the invention substantially as claimed according to claim 23, Hals is silent regarding, “wherein the independent program routines receives a copy or partial copy of the window and object parameters which the window program routine of the operating system on the server computer uses to generate the active screen display”.

Although Hals disclosed the invention substantially as claimed, Hals is silent regarding “the input prompt within the data field is moved to the next or previous data field in line with the processing sequence”.

Ahern, in an analogous art disclosed, “the input prompt within the data field is moved to the next or previous data field in line with the processing sequence” (refer to Col 3, Lines 14-30).

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

4. Referring to Claim 26, although Hals disclosed the invention substantially as claimed according to claim 22, Hals is silent regarding, discloses a method according to claim 22, “wherein the independent program routine additionally receives the type and/or style and/or size of the font used in a data field alongside the parameters for the processing sequences of the data field.”

Ahern, in an analogous art disclosed, “wherein the independent program routine additionally receives the type and/or style and/or size of the font used in a data field alongside the parameters for the processing sequences of the data field.” (refer to Col 4, Lines 27).

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

5. Referring to Claim 27, Hals discloses a method according to claim 23, “wherein the independent program routine receives the parameters for the processing sequence of the data fields and/or the window and object parameters from an additional program routine running on the server program” (refer to Col 7, Lines 20-45).

6. Referring to Claim 28, although Hals disclosed the invention substantially as claimed according to claim 23, Hals is silent regarding “wherein the independent program routine analyzes the commands and/or data entered via the input medium before sending these to the server computer and independently alters the active screen display based on the processing sequence and window and object parameters”.

Ahern, in an analogous art disclosed, “wherein the independent program routine analyzes the commands and/or data entered via the input medium before sending these to the server computer and independently alters the active screen display based on the processing sequence and window and object parameters” (refer to Col 4, Lines 30-66).

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

7. Referring to Claim 29, although Hals disclosed the invention substantially as claimed according to claim 28, Hals is silent regarding “wherein the independent program routine independently alters the active screen display based on the processing sequence as well as the window and object parameters in such a way that the input prompt is moved to the start of the previous data field when a specified command occurs which is assigned to a backward jump to a previous.”

Ahern, in an analogous art disclosed, “wherein the independent program routine independently alters the active screen display based on the processing sequence as well as the window and object parameters in such a way that the input prompt is moved to the start of the previous data field when a specified command occurs which is assigned to a backward jump to a previous.” (refer to Col 7, Lines 20-45).

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

8. Referring to Claim 30, although Hals disclosed the invention substantially as claimed according to claim 28, Hals is silent regarding “wherein the independent program routine independently alters the active screen display based on the processing sequence as well as the window and object parameters in such a way that the input prompt is moved to the start of the next data field when a specified command occurs which is assigned to a forward jump to a previous data field.”

Ahern, in an analogous art disclosed, “wherein the independent program routine independently alters the active screen display based on the processing sequence as well as the window and object parameters in such a way that the input prompt is moved to the start of the next data field

when a specified command occurs which is assigned to a forward jump to a previous data field.”
(refer to Col 7, Lines 20-45)

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

9. Referring to Claims 31 and 32, although Hals disclosed the invention substantially as claimed according to claim 22, Hals is silent regarding “wherein the independent program routine analyzes the position of a data pointing device assigned to the input medium, in particular a mouse pointer, and independently alters the display of an object contained in the active screen display in a predefined manner when the position of the data pointing device corresponds to a predefined position or a section in the active screen display.”

Ahern, in an analogous art disclosed, “wherein the independent program routine analyzes the position of a data pointing device assigned to the input medium, in particular a mouse pointer, and independently alters the display of an object contained in the active screen display in a predefined manner when the position of the data pointing device corresponds to a predefined position or a section in the active screen display.” (refer to Col 4, Lines 30-59)

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

10. Referring to Claim 33, although Hals disclosed the invention substantially as claimed according to claim 32, Hals is silent regarding “wherein the object is a button which changes the display types when the user clicks on it with the data pointing device.”

Ahern, in an analogous art disclosed, “wherein the object is a button which changes the display types when the user clicks on it with the data pointing device.” (refer to Col 4, Lines 60).

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

11. Referring to Claim 34, although Hals disclosed the invention substantially as claimed according to claim 32, Hals is silent regarding “wherein the object is a scroll bar and when

clicked on by the user with the data pointing device, the display of the scroll bar is altered in a predefined manner and at least a part of the content of the active screen display is moved”.

Ahern, in an analogous art disclosed, “wherein the object is a scroll bar and when clicked on by the user with the data pointing device, the display of the scroll bar is altered in a predefined manner and at least a part of the content of the active screen display is moved” (refer to Col 4, Lines 30-66).

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

12. Referring to Claim 35, although Hals disclosed the invention substantially as claimed according to claim 22, Hals is silent regarding “wherein the screen displays are transmitted at least in part in the form of bitmap files to the client computer”.

Ahern, in an analogous art disclosed, “wherein the screen displays are transmitted at least in part in the form of bitmap files to the client computer” (refer to Col 4, Lines 30-66).

Hence, providing features disclosed by Ahern, would be desirable for a user to implement because Hals indicates there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Hals by including the features that prevent errors while display the information on the web page.

Claims 36, 38, 39, 40, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hals et al hereinafter Hals (US 6,920,505) in view of Ahern (US 6,966,029) in further view of Hind et al hereinafter Hind (US 7,194,683) and Kramer (US 2002/0165993).

13. Referring to Claim 36, although Hals, Ahern, Hind and Kramer disclosed the invention substantially as claimed according to claim 22, Hals, Ahern, Hind and Kramer are silent regarding “ wherein the transfer of the screen displays takes place in line with the RDP protocol.”

Kramer, in an analogous art disclosed, “wherein the transfer of the screen displays takes place in line with the RDP protocol.” (Refer to 0061).

Hence, providing features disclosed by Kramer, would be desirable for a user to implement because Hals, Ahern, and Hind indicate there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Hals, Ahern and Kramer by including the features that reduce the latency time and increase the response time.

14. Referring to Claims 38 and 39, although Hals, Ahern, and Hind disclosed the invention substantially as claimed according to claim 22, Hals, Ahern, and Hind are silent regarding “wherein the additional data packets are checked for redundant data, with any such redundant data then being removed or replaced by data already entered, before they are sent to the server computer.”

Kramer, in an analogous art disclosed, “wherein the additional data packets are checked for redundant data, with any such redundant data then being removed or replaced by data already entered, before they are sent to the server computer.” (Refer to 0061, and 0004, RDP has the property of encryption, which compressed the large data and sent it across the network. Connection set up is according to connection parameter, since the connection is already established, the connection parameter must be used. When data are being compressed/encrypted, the system checks for redundant data and remove the unnecessary data.)

Hence, providing features disclosed by Kramer, would be desirable for a user to implement because Hals, Ahern, and Hind indicate there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Hals, Ahern and Kramer by including the features that reduce the latency time and increase the response time.

15. Referring to Claims 40, 41, and 42, although Hals, Ahern, and Hind disclosed the invention substantially as claimed according to claim 22, Hals, Ahern, and Hind are silent regarding “wherein several of the data packets and/or additional data packets to be sent between

the server computer and the client computer via the geostationary satellite are grouped together to form larger data packets and/or larger additional data packets”.

Kramer, in an analogous art disclosed, “wherein several of the data packets and/or additional data packets to be sent between the server computer and the client computer via the geostationary satellite are grouped together to form larger data packets and/or larger additional data packets based on the connection-specific parameters ” (refer to 0061, and 0004, RDP has the property of encryption, which compressed the large data and sent it across the network. Connection set up is according to connection parameter, since the connection is already established, the connection parameter must be used.).

Hence, providing features disclosed by Kramer, would be desirable for a user to implement because Hals, Ahern, and Hind indicate there are numerous modification and change may be made to the system without departing from the teaching of Hals.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Hals, Ahern and Kramer by including the features that reduce the latency time and increase the response time.

(10) Response to Argument

U.S.C 103 Rejections on Claims 22, 24-35, and 37 over Hal, Ahern and Hind:

Appellant argues that it is not obvious to combine Hal, Ahern and Hind and Appellant argues that with the combination of Hal, Ahern and Hind would not suggest the invention as defined by the independent Claims.

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hal's server builds the web page and sent it to the users, and Ahern suggests that in order for users to display all the information that sent from the server to the end user, Ahern's invention is needed. Therefore, It would have been obvious to combine Hal's with Ahern's invention in order to improve Hal's system by allowing all the information display at the right place on user's browser. Furthermore, Hinder suggests the web browser functions as the user's interface or portal to applications running within remote web servers, therefore, a better technology is required to create a dynamic content (i.e., interactive contents) that is to presented to the user. Therefore, it would have been obvious to combine Hind with Hal and Ahern in order to improve Hal's system by providing a better technology to create the dynamic interactive web content.

Examiner notes that from page 8 – page 16 of the arguments, Appellants has failed to show certain features of appellant's invention, it is noted that the features upon which Appellant relies (i.e., "database applications runs entirely self-sufficiently on the application server" "interactive application is executed independently on the application server" "Words that does not execute the application per se, but merely reproduces the screen display computed by the application server via the respective graphic card on the screen", etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, the arguments of Appellant's cannot take the place of evidence in the record. In re Schulze, 346 F.2d 600, 602, 145 USPQ 716, 718 (CCPA 1965); In re Geisler, 116 F.3d 1465, 43 USPQ2d 1362 (Fed. Cir. 1997) ("An assertion of what seems to follow from common experience is just Appellant argument and not the kind of factual evidence that is required to rebut a prima facie case of obviousness."). Appellant statements are not evidence and must be supported by an appropriate affidavit or declaration.

Therefore, Appellant's arguments are not persuasive.

U.S.C 103 Rejections on Claims 36, 38, 39, 40, 41 and 42 over Hal, Ahern, Hind and Kramer:

Appellant argues that it would not have been obvious to combine the teaching of Hal, Ahern, Hind and Kramer.

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hal's server builds the web page and sent/display the webpage to the end user, and Ahern suggests that in order for users to display all the information that sent from the server to the end user, Ahern's invention is needed to display the web page information correctly. Therefore, it would have been obvious to combine Hal's with Ahern's invention in order to

improve Hal's system by allowing all the information display at the right place on user's browser. Furthermore, Hinder suggests the web browser functions as the user's interface or portal to applications running within remote web servers, therefore, a better technology is required to create a dynamic content (i.e., interactive contents) that is to presented to the user. Therefore, it would have been obvious to combine Hind with Hal and Ahern in order to improve Hal's system by providing a better technology to create the dynamic interactive web content.

Kramer, in the analogous art with Hal, Ahern with Hind, teaches ways to partitioning software components of a monolithic component based application program to separate the graphical user interface elements of the software components for local execution at a client in conjunction with remote execution of the application program at a server system. Therefore, it would have been obvious to combine Kramer, Hal, Ahern with Hind to provide a quick visual response to input to the user of a client system during the execution of application by the server by utilizing Kramer's invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/K. C. T./

Examiner, Art Unit 2451

/Larry Donaghue/

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